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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/824330	
	Filing Date	4/13/2004	
	First Named Inventor	Dale H. Buermann	
	Art Unit	3662	
	Examiner Name	Ratcliffe, Luke D.	
Total Number of Pages in This Submission		Attorney Docket Number	PEN-108/US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawings	<input type="checkbox"/> After Allowance Comm. to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related papers	<input type="checkbox"/> Appeal Comm. to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Comm. to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Corresp. Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other (Specified below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Doc(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Other: _____ _____ _____ _____	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

FIRM NAME	LUMEN INTELLECTUAL PROPERTY SERVICES, Inc.		
SIGNATURE			
PRINTED NAME	Marek Alboszta		
DATE	7/19/06	REGISTRATION NUMBER	39,894

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:	
SIGNATURE	
PRINTED NAME	Abigail Capulong
DATE	7/19/06

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.11 and 1.14.  
**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



IN THE US PATENT AND TRADEMARK OFFICE

Application Number: 10/824,330  
Filing Date: 4/13/2004  
Applicant: Dale H. Buermann et al.  
Application Title: An Apparatus and Method for Optical  
Determination of Intermediate Distances  
Examiner: Luke D. Ratcliffe  
Art Unit: 3662

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on

  
Marek Alboszta, Reg. No. 39,894

19 July 2006  
date of deposit

19 July 2006  
date

**Response B**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

In response to the complete Action mailed **6/20/2006** the applicants present arguments without further amendments to traverse the Examiner's rejections.

**Novelty Rejections under 35 U.S.C. §102**

The Examiner has rejected claims **1-7, 15, 18-22, 29** and **32** under 35 U.S.C. 102(b) as being clearly anticipated by Beliveau (US Pat. 6,545,751). Before addressing specific rejections, the applicants will review Beliveau's teachings to show that the approach and quantity being measured are